**LAW OFFICE OF GREGORY JAVARDIAN, LLC**

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Attorney for Citizens Bank of Pennsylvania

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA (HARRISBURG)**

IN RE:

Daniel Malsch
Debtor(s)

Chapter 13 Proceeding

5-17-03339 JJT

Daniel Malsch
Movant

v.

Citizens Bank of Pennsylvania
and
Charles J. DeHart, III, Esquire
Respondent**STIPULATION BY AND BETWEEN DANIEL MALSCH AND CITIZENS BANK OF
PENNSYLVANIA**

WHEREAS, Citizens Bank of Pennsylvania holds a secured claim against the Debtor's property located at 4792 Coolbaugh Road n/k/a 5348 Spruce Lane, East Stroudsburg, PA 18301 ("the property");

WHEREAS, Daniel Malsch's ("Debtor") Plan proposes to sell the property within two (2) years. Debtor's Plan indicates that there will be no post-petition mortgage payments to Citizens Bank of Pennsylvania;

WHEREAS, on January 18, 2018 Citizens Bank of Pennsylvania filed a Motion for Adequate Protection Payments;

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WHEREAS, on February 8, 2018 an Order was entered requiring the Debtor to make monthly adequate protection payments of \$845.00 to Citizens Bank of Pennsylvania commencing on March 1, 2018;

WHEREAS, on February 16, 2018 Debtor filed a Motion to Reconsider the Adequate Protection Order; and

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Motion to Reconsider the Adequate Protection Order.

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

- 1. Upon approval by the United States Bankruptcy Court of the within Stipulation, Debtor and secured creditor, Citizens Bank of Pennsylvania, agree to the following:**
 - (a) Commencing on June 1, 2018 and continuing monthly until the property located at 4792 Coolbaugh Road n/k/a 5348 Spruce Lane, East Stroudsburg, PA 18301 is sold and Citizens Bank of Pennsylvania's mortgage loan is paid in full or until the Plan is amended to provide for the cure of the pre-petition arrears due Citizens Bank of Pennsylvania whichever occurs first Debtor shall pay to Citizens Bank of Pennsylvania adequate protection payments in the amount of \$845.00.**
 - (b) The property shall be sold, and Citizens Bank of Pennsylvania's mortgage loan shall be paid in full on or before August 30, 2019.**
 - (c) If the property is not sold by August 30, 2019 Debtor shall amend the Plan to provide for the cure of the pre-petition arrears due Citizens Bank of Pennsylvania.**
 - (d) In the event the Debtor does not sell the property by August 30, 2019 and amends the Plan as required by paragraph 1 (c) above the adequate protection payments**

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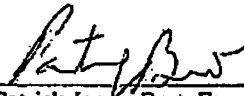
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required by paragraph 1(a) shall end and Debtor shall resume making the monthly mortgage payments to Citizens Bank of Pennsylvania in accordance with the terms of the note and mortgage.

- (e) Debtor shall mail the adequate protection payments to: Citizens Bank, N.A., 10561 Telegraph Road, Glen Allen, VA 23059.
- (f) The Debtor(s) shall timely tender all payments and comply with all conditions in accordance with this Stipulation. If such payments or conditions are not timely made, Movant may provide the Debtor(s) and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Citizens Bank of Pennsylvania its successors and/or assigns relief from the automatic stay without further notice and hearing.
- (g) Should Citizens Bank of Pennsylvania its successors and/or assigns be granted relief from the stay after filing a Certification of Default in accordance with paragraph 1(f) above, the parties agree that the said relief order shall include the following language: "bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non-Bankruptcy law." Debtor(s) have the right to object to any certificate of default filed by Movant.
- (h) The parties agree that a facsimile may be submitted to the Court as if it were an original.

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STIPULATED AND AGREED TO BY:


Patrick James Best, Esquire
Attorney for Debtor, Daniel Malsch

Date: 4/9/18


Mary F. Kennedy, Esquire
Attorney for Citizens Bank of Pennsylvania

Date: 4/9/2018


Charles J. DeHart, III, Esquire
Trustee

Date: 4/11/2018

cc: Mary F. Kennedy, Esquire
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Hummelstown, PA 17036

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